

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 264**

Introduced by Raikes, 25

Read first time January 13, 2003

Committee: Education

A BILL

1 FOR AN ACT relating to education; to amend sections 79-717, 79-801,  
2 79-806, 79-807, 79-811, 79-827, 79-829, 79-871, 79-1239,  
3 and 79-1324, Reissue Revised Statutes of Nebraska, and  
4 sections 23-3302, 79-808, 79-809, 79-810, 79-812, 79-814,  
5 79-816, and 79-1605, Revised Statutes Supplement, 2002;  
6 to change, transfer, and eliminate provisions relating to  
7 certificates, permits, and criminal history record  
8 information checks; to define and redefine terms; to  
9 rename and eliminate funds; to eliminate the Interstate  
10 Agreement on Qualification of Educational Personnel and  
11 related provisions; to harmonize provisions; to repeal  
12 the original sections; and to outright repeal sections  
13 79-893 to 79-895 and 79-8,111 to 79-8,117, Reissue  
14 Revised Statutes of Nebraska.  
15 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 23-3302, Revised Statutes Supplement,  
2   2002, is amended to read:

3           23-3302. The county board of any county may contract  
4   with the educational service unit of which it is a part, with a  
5   Class II, III, IV, V, or VI school district, or with an individual  
6   who holds a Nebraska ~~Administrative and Supervisory Certificate~~  
7   certificate to administer to be a county school administrator for  
8   Class I school districts in the county and to perform other  
9   designated county educational activities. Any contract entered  
10   into under this section shall not exceed a period of one year. ~~and~~  
11   ~~shall be effective on and after July 1, 2000.~~ The county school  
12   administrator, with the approval of the county board, shall have  
13   the authority to employ such other persons as may be necessary to  
14   assist the county school administrator in the performance of his or  
15   her duties.

16          Sec. 2. Section 79-717, Reissue Revised Statutes of  
17   Nebraska, is amended to read:

18          79-717. Each Class VI school district may have an  
19   elementary school coordinator who holds a valid Nebraska  
20   ~~Administrative and Supervisory Certificate~~ certificate to  
21   administer with an endorsement in elementary education. The  
22   responsibility of the coordinator shall be to coordinate the  
23   educational programs of all Class I schools within the boundaries  
24   of the Class VI district by advising the school board and the  
25   teachers of such Class I districts.

26          Sec. 3. Section 79-801, Reissue Revised Statutes of  
27   Nebraska, is amended to read:

28          79-801. All persons holding the official title of (1)

1 superintendent of schools, (2) principal or supervisor of an  
2 accredited school, or (3) supervisor of any special subjects or  
3 subject in which such persons actually supervise the work of other  
4 teachers in that subject or those subjects shall hold ~~either a~~  
5 ~~Nebraska Administrative and Supervisory Certificate or a Nebraska~~  
6 ~~Professional Administrative and Supervisory Certificate~~ a Nebraska  
7 certificate to administer.

8           Sec. 4. Section 79-806, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           79-806. It is declared to be the purpose of sections  
11 79-806 to 79-816 to provide more flexibility in the certification  
12 of qualified ~~teachers~~ educators for Nebraska schools and not to  
13 ~~increase~~ decrease any requirements for certificates to teach,  
14 provide special services, and administer in Nebraska schools.

15           Sec. 5. Section 79-807, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           79-807. For purposes of sections 79-806 to 79-816,  
18 unless the context otherwise requires:

19           (1) Basic skills competency means proficiency in (a) the  
20 written use of the English language, (b) reading, comprehending,  
21 and interpreting professional writing and other written materials,  
22 and (c) working with fundamental mathematical computations as  
23 demonstrated by successful completion of an examination designated  
24 by the board for teacher education students at a standard  
25 institution of higher education, or successful employment  
26 experiences;

27           (2) Board means the State Board of Education;

28           ~~(2)~~ (3) Certificate means an authorization issued by the

1 commissioner to an individual who meets the prerequisite  
2 qualifications to engage in teaching, providing special services,  
3 or administering in prekindergarten through grade twelve in the  
4 elementary and secondary schools in this state;

5 (4) Commissioner means the Commissioner of Education;

6 ~~(3)~~ (5) Department means the State Department of  
7 Education;

8 (6) Human relations training means course work or  
9 employment experiences that lead to: (a) An awareness and  
10 understanding of the values, lifestyles, contributions, and history  
11 of a pluralistic society; (b) the ability to recognize and deal  
12 with dehumanizing biases, including, but not limited to, sexism,  
13 racism, prejudice, and discrimination, and an awareness of the  
14 impact such biases have on interpersonal relations; (c) the ability  
15 to translate knowledge of human relations into attitudes, skills,  
16 and techniques which result in favorable experiences for students;  
17 (d) the ability to recognize the ways in which dehumanizing biases  
18 may be reflected in instructional materials; (e) respect for human  
19 dignity and individual rights; and (f) the ability to relate  
20 effectively to other individuals and to groups in a pluralistic  
21 society other than the certificate holder's own;

22 (7) Special education training means course work or  
23 employment experiences that provide an individual with the  
24 knowledge of: (a) The exceptional needs of the disabilities  
25 defined under the Special Education Act; (b) the major  
26 characteristics of each disability in order to recognize its  
27 existence in children; (c) the various alternatives for providing  
28 the least restrictive environment for children with disabilities;

1 (d) methods of teaching children with disabilities in the regular  
2 classroom; and (e) pre-referral alternatives, referral systems,  
3 multidisciplinary team responsibilities, the individualized  
4 education plan process, and the placement process;

5 (8) Special services means supportive services provided  
6 to students that do not primarily involve teaching, including, but  
7 not limited to, (a) speech pathology, audiology, psychology,  
8 physical or occupational therapy, and other medical services not  
9 otherwise regulated by the Uniform Licensing Law, (b) the coaching  
10 of extracurricular activities, and (c) subject areas for which  
11 endorsement programs are not offered by a standard institution of  
12 higher education; and

13 (9) Standard institution of higher education means any  
14 college or university, the teacher education programs of which are  
15 fully approved by the State Board of Education, and board or  
16 approved in another state pursuant to standards which are  
17 comparable and equivalent to those set by the board.

18 ~~(4) Training in human relations means training offered by~~  
19 ~~each standard institution of higher education by the integration of~~  
20 ~~human relations training into an existing course or combination of~~  
21 ~~existing courses and evidenced by a voucher verifying that such~~  
22 ~~training has in fact been offered to each graduate of such~~  
23 ~~institution. Such training shall be designed to lead to the~~  
24 ~~following skills:~~

25 ~~(a) An awareness and understanding of the values,~~  
26 ~~lifestyles, contributions, and history of a pluralistic society,~~

27 ~~(b) The ability to recognize and deal with dehumanizing~~  
28 ~~biases, including, but not limited to, sexism, racism, prejudice,~~

1 and discrimination, and an awareness of the impact such biases have  
2 on interpersonal relations,

3       (c) The ability to translate knowledge of human relations  
4 into attitudes, skills, and techniques which result in favorable  
5 experiences for students,

6       (d) The ability to recognize the ways in which  
7 dehumanizing biases may be reflected in instructional materials,

8       (e) Respect for human dignity and individual rights, and

9       (f) The ability to relate effectively to other  
10 individuals and to groups in a pluralistic society other than the  
11 teacher's own.

12       Sec. 6. Section 79-808, Revised Statutes Supplement,  
13 2002, is amended to read:

14       79-808. (1) The board shall establish, adopt, and  
15 promulgate appropriate rules, regulations, and procedures governing  
16 the issuance, renewal, conversion, ~~revival~~, ~~cancellation~~,  
17 suspension, and revocation of certificates and permits to teach,  
18 provide special services, counsel, supervise, and administer in  
19 prekindergarten through grade twelve in all elementary and  
20 secondary schools in this state based upon (a) earned college  
21 credit in humanities, social and natural sciences, mathematics, ~~and~~  
22 ~~practical arts~~ or career and technical education, (b) earned  
23 college credit, or its equivalent in professional education, for  
24 particular teaching, ~~counseling~~, ~~supervisory~~ special services, or  
25 administrative assignments, (c) ~~scholarship attained in earning~~  
26 ~~such credit~~, ~~(d) training in human relations~~ criminal history  
27 record information if the applicant has not been a continuous  
28 Nebraska resident for five years immediately preceeding application

1 for a certificate, (d) human relations training, (e) successful  
2 teaching, administration, or providing special services, and (f)  
3 moral, mental, and physical fitness for teaching, all in accordance  
4 with sound educational practices.

5           ~~(2)(a) The board shall establish or designate basic~~  
6 ~~skills competency examinations for prospective teachers. The~~  
7 ~~examinations shall measure competency in the written use of the~~  
8 ~~English language, competency to read, comprehend, and interpret~~  
9 ~~professional writing and other written materials, and competency to~~  
10 ~~work with fundamental mathematical computations.~~

11           ~~(b) Except as provided otherwise in this subdivision, a~~  
12 ~~candidate applying for an entry-level teacher or administrator~~  
13 ~~certificate after July 31, 1989, shall not receive a certificate~~  
14 ~~unless such candidate has received a satisfactory score on the~~  
15 ~~basic skills competency examinations established or designated by~~  
16 ~~the board. A candidate shall be exempt from this requirement if (i)~~  
17 ~~the candidate has three or more successive years of experience in~~  
18 ~~an approved or accredited school with a certificate issued by that~~  
19 ~~state on the basis of successful completion of an approved teacher~~  
20 ~~education program in that state or another state or (ii) the~~  
21 ~~candidate has current credentials from a national nonprofit~~  
22 ~~organization (A) approved by the State Department of Education, (B)~~  
23 ~~the purpose of which is to establish high and rigorous standards in~~  
24 ~~a broad range of educational areas for what accomplished teachers~~  
25 ~~should know and be able to do, and (C) which issues credentials to~~  
26 ~~teachers who demonstrate that they meet those standards. The board~~  
27 ~~may issue a temporary certificate to any teacher or administrator~~  
28 ~~who is first employed in a Nebraska school after April 1 of any~~

1 year and who meets all other requirements but has not taken or  
2 received a satisfactory score on the examinations. The temporary  
3 certificate shall be valid only for the ensuing school year and may  
4 be renewed for one additional year. Each Nebraska teacher  
5 education institution approved by the board shall administer the  
6 basic skills competency examinations as a condition for entry into  
7 such institution's teacher or administrator program.

8           ~~(e)~~ (2) The board may issue a temporary certificate,  
9 valid for a period not to exceed ~~two years~~ one year, to any  
10 applicant for certification who has not completed the human  
11 relations training requirement. ~~pursuant to subdivision (1)(d) of~~  
12 ~~this section or the special education competencies requirement~~  
13 ~~specified in section 79-816. No applicant for certification shall~~  
14 ~~receive any manner of temporary certification which exceeds two~~  
15 ~~years in duration. The board may also issue such temporary~~  
16 ~~certification, valid for not more than two years, pursuant to the~~  
17 ~~Interstate Agreement on Qualification of Educational Personnel~~  
18 ~~found in section 79-893.~~

19           ~~(d)~~ The board may issue substitute teaching certificates  
20 or permits in the absence of training in human relations required  
21 pursuant to subdivision ~~(1)(d)~~ of this section, the basic skills  
22 competency examinations required pursuant to subdivision ~~(2)(b)~~ of  
23 this section, or the special education competencies requirement  
24 specified in section 79-816.

25           (3) Members of any advisory committee established by the  
26 board to assist the board in teacher education and certification  
27 matters shall be reimbursed for their actual and necessary expenses  
28 as provided in sections 81-1174 to 81-1177. Each school district



1 which has an employee who serves as a member of such committee and  
2 which is required to hire a person to replace such member during  
3 the member's attendance at meetings or activities of the committee  
4 or any subcommittee thereof shall be reimbursed from the ~~General~~  
5 Certification Fund for the expense it incurs from hiring a  
6 replacement. School districts may excuse employees who serve on  
7 such advisory committees from certain duties which conflict with  
8 any advisory committee duties.

9           Sec. 7. Section 79-809, Revised Statutes Supplement,  
10 2002, is amended to read:

11           79-809. ~~The~~ In addition to the requirements in section  
12 79-808, the maximum which the board may require for the issuance of  
13 any entry-level certificate or permit, ~~valid for teaching only in~~  
14 ~~all schools for a term of not less than three years, shall be that~~  
15 ~~the applicant is of sound mental and physical health and of good~~  
16 ~~moral character and a statement countersigned by an authorized~~  
17 ~~official of a standard institution of higher education which~~  
18 ~~certifies the grade levels and subject fields or areas of~~  
19 ~~specialization and shall be that the applicant (1) has a~~  
20 ~~baccalaureate degree, except that a master's degree shall be~~  
21 ~~required for the issuance of any entry-level teaching certificate~~  
22 ~~with a speech-language pathologist endorsement, (2) has filed a~~  
23 ~~complete set of his or her legible fingerprints for a criminal~~  
24 ~~history record information check if required by section 79-8,111,~~  
25 ~~(3) in the case of any person who matriculates in a teacher~~  
26 ~~training program, (2) has satisfactorily completed, within two~~  
27 ~~years of the date of application, the institution's regular~~  
28 ~~approved or accredited program of preparation for teaching and has~~

1 met all other appropriate requirements of the institution as a  
2 teacher, (4) has achieved a satisfactory score on the basic skills  
3 competency examinations established or designated by the State  
4 Board of Education pursuant to section 79-808 prior to (a)  
5 admission into a Nebraska teacher training program or (b)  
6 certification in the case of individuals recommended for  
7 certification by a postsecondary institution outside of Nebraska or  
8 individuals not matriculating in a teacher training program, and  
9 (5) has performed at a satisfactory level, as determined by the  
10 State Board of Education, on a subject area examination established  
11 or designated by the State Board of Education in each area for  
12 which endorsement is sought an approved program at a standard  
13 institution of higher education, (3) has satisfactorily  
14 demonstrated basic skills competency, (4) has special education  
15 training, (5) has earned college credit in an approved program, at  
16 a standard institution of higher education, for which endorsement  
17 is sought, and (6) has paid a nonrefundable fee to the department  
18 of forty-five dollars for issuance of a certificate or permit valid  
19 in all schools or thirty dollars for issuance of a certificate or  
20 permit valid only in nonpublic schools.

21 Sec. 8. Section 79-810, Revised Statutes Supplement,  
22 2002, is amended to read:

23 79-810. (1) ~~The certificates~~ Certificates and permits  
24 ~~provided for in section 79-808~~ shall be issued by the commissioner  
25 upon application ~~on forms to be~~ forms prescribed and provided by  
26 him or her, which shall include the applicant's social security  
27 number. ~~and upon the payment by the applicant of a nonrefundable~~  
28 ~~fee of forty-five dollars, except as provided in subsection (5) of~~

1 ~~this section, for each application for a certificate or permit.~~  
2 ~~The board may waive the fee for the holder of any certificate~~  
3 ~~issued in another state which is determined to have validity in~~  
4 ~~this state based on provisions in agreements between the states~~  
5 ~~which have been approved by the board.~~

6 (2) Each ~~such~~ certificate or permit issued by the  
7 commissioner shall indicate the ~~grade levels, subjects, subject~~  
8 ~~fields, or area of authorization to teach, provide special~~  
9 ~~services, or administer and any areas of specialization endorsement~~  
10 for which the holder was specifically prepared by a standard  
11 institution of higher education ~~or authorized by the board to~~  
12 ~~teach, counsel, supervise, and provide special services, or~~  
13 administer. During the term of any certificate or permit issued by  
14 the commissioner, additional endorsements may be made on the  
15 certificate or permit ~~for~~ if the holder submits an application,  
16 meets the requirements for issuance of the additional endorsements,  
17 and pays a nonrefundable fee of thirty dollars. ~~Such additional~~  
18 ~~endorsements shall indicate only the grade levels, subjects,~~  
19 ~~subject fields, or areas of specialization for which the holder was~~  
20 ~~specifically prepared by a standard institution of higher education~~  
21 ~~or authorized by the board pursuant to section 79-808.~~

22 (3) The ~~Teachers'~~ Certification Fund is created. Any fee  
23 received by the ~~State Department of Education~~ department under ~~this~~  
24 ~~section~~ sections 79-806 to 79-816 shall be remitted to the State  
25 Treasurer for credit to the ~~Teachers' Certification Fund~~ fund. The  
26 fund shall be used by the department in paying the costs of  
27 certifying educators pursuant to sections 79-808 to 79-816 and to  
28 carry out subdivision (3) of section 79-808, except that fifteen

1 thirteen dollars of the forty-five-dollar fee specified in  
2 subsection ~~(1)~~ of this section shall be credited to the  
3 ~~Professional Practices Commission Fund which is created for use~~ (6)  
4 of section 79-809 for certificates or permits valid in all schools  
5 shall be used by the department to pay for the provisions of  
6 sections 79-859 to 79-871. ~~Money in the Teachers' Certification~~  
7 ~~Fund shall not be used for any purpose other than the direct~~  
8 ~~certification of educators and shall not be used for accreditation~~  
9 ~~visits.~~ Any money in the Teachers' Certification Fund ~~or the~~  
10 ~~Professional Practices Commission Certification Fund~~ available for  
11 investment shall be invested by the state investment officer  
12 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
13 State Funds Investment Act. Any money in the Teachers'  
14 Certification Fund and the Professional Practices Commission Fund  
15 on the effective date of this act shall be transferred to the  
16 Certification Fund on such date.

17 ~~(4) The State Treasurer shall transfer three hundred~~  
18 ~~fifty thousand dollars from the Professional Practices Commission~~  
19 ~~Fund to the General Fund on September 1, 2002.~~

20 ~~(5) Since nonpublic schools and their teachers do not~~  
21 ~~receive the benefits of sections 79-859 to 79-871, a special~~  
22 ~~certificate or permit restricted to use in nonpublic schools only~~  
23 ~~shall be issued upon payment of a nonrefundable fee of thirty~~  
24 ~~dollars and the applicant providing his or her social security~~  
25 ~~number.~~ Such certificate or permit shall have plainly stamped or  
26 otherwise written on its face the words nonpublic school only.  
27 Upon surrender of such a certificate or permit and the payment of  
28 the fee provided in subsection ~~(1)~~ of this section by the holder of

1 ~~the certificate or permit, a regular certificate or permit shall be~~  
2 ~~issued. Such fee shall be remitted and credited as directed in~~  
3 ~~subsection (3) of this section.~~

4 ~~(6) Upon payment by the applicant of a nonrefundable fee~~  
5 ~~of thirty dollars, a duplicate certificate or permit to which the~~  
6 ~~holder is entitled may be issued by the commissioner.~~

7 Sec. 9. Section 79-811, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 79-811. All college credits submitted for the purpose of  
10 obtaining a certificate or permit shall be earned in or accepted by  
11 a ~~regular teacher education program in a~~ standard institution of  
12 higher education ~~of this or another state~~ and shall be certified by  
13 the proper authorities of the institution attended, showing the  
14 academic and professional preparation of the applicant.

15 Sec. 10. Section 79-812, Revised Statutes Supplement,  
16 2002, is amended to read:

17 79-812. (1) Upon request by the commissioner, the  
18 Nebraska State Patrol shall undertake a search for criminal history  
19 record information relating to an applicant for a certificate,  
20 including transmittal of the applicant's fingerprints to the  
21 Identification Division of the Federal Bureau of Investigation for  
22 a national criminal history record information check. The criminal  
23 history record information check shall include information  
24 concerning the applicant from federal repositories of such  
25 information and repositories of such information in other states if  
26 authorized by federal law. The Nebraska State Patrol shall issue a  
27 report to the commissioner that shall include the criminal history  
28 record information concerning the applicant.

1           (2) The commissioner may deny issuance of a certificate  
2 or permit to any applicant who has a felony conviction or who has  
3 any misdemeanor conviction involving abuse, neglect, or sexual  
4 misconduct. In reviewing an applicant's criminal history record  
5 information, the commissioner shall take into consideration any  
6 information, including information submitted by the applicant,  
7 regarding (a) the facts and circumstances surrounding a conviction,  
8 (b) the type of offense and the sentence imposed, (c) whether the  
9 conduct resulting in a conviction would constitute a crime in  
10 Nebraska, (d) the date of the offense, (e) the age of the applicant  
11 at the time of the offense, and (f) the applicant's conduct and  
12 positive social contributions since the offense.

13           (3) The board shall determine and set the costs for  
14 processing criminal history record information checks under  
15 sections 79-806 to 79-816 which shall be borne by the applicant for  
16 a certificate or permit. The costs shall be limited to the actual  
17 direct costs arising from the processing of the criminal history  
18 record information checks.

19           (4) Criminal history record information subject to  
20 federal confidentiality requirements shall remain confidential and  
21 may be released only upon the written authorization by the  
22 applicant, except that if the applicant appeals the denial of a  
23 certificate or permit by the commissioner, the filing of an  
24 administrative appeal shall constitute a release of the information  
25 for the limited purpose of the appeal. If the applicant requests a  
26 closed hearing, such request shall be subject to sections 84-1408  
27 to 84-1414. Except as otherwise provided in sections 79-808 to  
28 79-816, the board may authorize the issuance of certificates or

1 permits upon recommendation from institutions of higher education  
2 located in states other than Nebraska if the respective State  
3 Department of Education or similar agency fully approves the  
4 teacher education programs of the institution based on standards  
5 for approving the institution and its education programs which are  
6 comparable and equivalent to those required by the board.

7           Sec. 11.     Section 79-814, Revised Statutes Supplement,  
8 2002, is amended to read:

9           79-814.    The board may limit the use of any certificate  
10 or permit issued under sections 79-806 to 79-816. ~~to those grade~~  
11 ~~levels, subject fields, or areas of instruction for which the~~  
12 ~~holder was specifically prepared to teach, counsel, supervise, or~~  
13 ~~administer by a standard institution of higher education.~~

14           Sec. 12.   Section 79-816, Revised Statutes Supplement,  
15 2002, is amended to read:

16           79-816.    An applicant subject to a criminal history  
17 record information check shall be issued a conditional permit valid  
18 for up to one year prior to receipt by the commissioner of the  
19 criminal history record information of the applicant if the  
20 applicant signs a statement that identifies all crimes of which the  
21 applicant has been convicted and the commissioner determines the  
22 applicant to be of good moral character and meets all other  
23 certification requirements. An applicant's conditional permit is  
24 void upon a final determination that the applicant does not meet  
25 the requirements for issuance of a certificate. The applicant may  
26 request a hearing regarding the denial of a certificate or permit  
27 as provided by the rules and regulations adopted pursuant to  
28 section 79-808.

1           For purposes of this section, a determination is final  
2 upon issuance of a final decision on appeal or upon expiration of  
3 the time in which the applicant may request a hearing without such  
4 hearing being requested.   A candidate applying for an entry-level  
5 teacher or administrator certificate pursuant to section 79-808  
6 shall not receive such certificate unless he or she has completed  
7 at least three semester credits of course work or the equivalent  
8 thereof in special education. The equivalent may be accomplished  
9 in part or in full by including study of children with disabilities  
10 in other course work. Course work shall provide the student with  
11 all of the following:

12           ~~(1) Knowledge of the exceptional educational needs of the~~  
13 ~~disabilities defined by section 79-1118.01,~~

14           ~~(2) Knowledge of the major characteristics of each~~  
15 ~~disability in order to recognize its existence in children,~~

16           ~~(3) Knowledge of various alternatives for providing the~~  
17 ~~least restrictive environment for children with disabilities,~~

18           ~~(4) Knowledge of methods of teaching children with~~  
19 ~~disabilities in the regular classroom, and~~

20           ~~(5) Knowledge of prereferral alternatives, referral~~  
21 ~~systems, multidisciplinary team responsibilities, the~~  
22 ~~individualized education plan process, and the placement process.~~

23           Sec. 13.   Section 79-827, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           79-827.   (1) The contract of any certificated employee,  
26 including a superintendent, associate superintendent, or assistant  
27 superintendent may be canceled or amended by a majority of the  
28 members of the school board during the school year for any of the



1 following reasons: (a) Upon ~~cancellation, termination,~~ revocation,  
2 ~~or suspension of a teacher's certificate,~~ or suspension of a  
3 certificate by the State Board of Education, ~~or of the Nebraska~~  
4 ~~Administrative and Supervisory Certificate or the Nebraska~~  
5 ~~Professional Administrative and Supervisory Certificate~~ of any  
6 certificated employee whose duties require such a certificate; (b)  
7 breach of any of the material provisions of the teacher's or  
8 administrator's contract; (c) for any of the reasons set forth in  
9 the employment contract; (d) incompetency; (e) neglect of duty; (f)  
10 unprofessional conduct; (g) insubordination; (h) immorality; or (i)  
11 physical or mental incapacity.

12 (2) If the school board or the superintendent or  
13 superintendent's designee of any school district determines that it  
14 is appropriate to consider cancellation of a certificated  
15 employee's contract during the school year for the reasons set  
16 forth in subsection (1) of this section, the certificated employee  
17 shall be notified in writing of the alleged grounds for  
18 cancellation of the contract and that such certificated employee's  
19 contract may be canceled. Within seven calendar days after receipt  
20 of such notice, the certificated employee may make a written  
21 request to the secretary of the school board or to the  
22 superintendent or superintendent's designee for a hearing.

23 (3) Prior to scheduling of action or the hearing, if  
24 requested, the notice of possible cancellation and the reasons  
25 supporting possible cancellation shall be considered a confidential  
26 employment matter subject to the provisions of sections 79-539,  
27 79-8,109, and 84-1410 and shall not be released to the public or  
28 any news media.

1           (4) This section does not prevent the suspension from  
2 duty with pay of a certificated employee pending a decision on the  
3 cancellation of the contract.

4           Sec. 14. Section 79-829, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           79-829. The contract of a permanent certificated  
7 employee shall be deemed continuing and shall be renewed and remain  
8 in full force and effect unless amended or terminated in accordance  
9 with the provisions of sections 79-824 to 79-842. The school board  
10 by a vote of the majority of its members may determine that such  
11 permanent certificated employee's contract shall be amended or  
12 terminated for any of the following reasons: (1) Just cause as  
13 defined in section 79-824; (2) reduction in force as set forth in  
14 sections 79-846 to 79-849, or change of leave-of-absence policies;  
15 (3) failure of the certificated employee upon written request of  
16 the school board or the administrators of the school district to  
17 accept employment for the next school year within the time  
18 designated in the request, except that the certificated employee  
19 shall not be required to signify such acceptance prior to March 15  
20 of each year; or (4) ~~revocation, cancellation, suspension, or~~  
21 ~~termination of the certificated employee's certificate, by the~~  
22 ~~State Board of Education, or of a Nebraska Administrative and~~  
23 ~~Supervisory Certificate or Nebraska Professional Administrative and~~  
24 ~~Supervisory Certificate~~ or suspension by the State Board of  
25 Education of the certificate of a certificated employee whose  
26 duties require such a certificate.

27           Sec. 15. Section 79-871, Reissue Revised Statutes of  
28 Nebraska, is amended to read:

1           79-871. All costs and expenses incurred by the  
2 commission in administering the provisions of sections 79-859 to  
3 79-871 shall be paid ~~from the Professional Practices Commission~~  
4 ~~Fund~~ as provided in section 79-810. The commission shall develop  
5 its own budget which shall be included as a program in the general  
6 budget of the State Department of Education.

7           Sec. 16. Section 79-1239, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           79-1239. (1) The board by a vote of the majority of its  
10 members may determine that a permanent certificated employee's  
11 contract shall be amended or terminated for any of the following  
12 reasons: (a) Just cause as defined in section 79-1234; (b)  
13 reduction in force as set forth in sections 79-846 to 79-849; (c) a  
14 change of leave-of-absence policy; (d) failure of the permanent  
15 certificated employee upon written request of the board or the  
16 administrators of the educational service unit to accept employment  
17 for the next school year within the time designated in the request,  
18 except that the permanent certificated employee shall not be  
19 required to signify such acceptance prior to March 15 of each year;  
20 or (e) ~~revocation, cancellation, suspension, or termination or~~  
21 suspension of the permanent certificated employee's certificate by  
22 the State Board of Education.

23           (2) If a hearing is requested by the permanent  
24 certificated employee, the formal due process hearing for the  
25 purpose of this section means a hearing procedure adopted by the  
26 board which contains at least the following: (a) Notification to  
27 the permanent certificated employee in writing at least five days  
28 prior to the hearing of the grounds alleged for the termination or

1 amendment of the permanent certificated employee's contract; (b)  
2 upon request of the permanent certificated employee, a list of the  
3 names of any witnesses who will be called to testify against the  
4 certificated employee and an opportunity to examine any documents  
5 that will be presented at the hearing shall be provided at least  
6 five days prior to the hearing; (c) the right to be represented;  
7 and (d) an opportunity to cross-examine all witnesses, examine all  
8 documents, and present evidence material to the issues.

9 (3) Notice of the hearing shall be given in accordance  
10 with sections 84-1408 to 84-1414. Upon an affirmative vote of a  
11 majority of the board's members present and voting and upon  
12 specific request of the permanent certificated employee or the  
13 permanent certificated employee's representative, the hearing shall  
14 be conducted in a closed session, but the formal action of the  
15 board shall be taken in open session.

16 (4) A majority of the members of the board shall render  
17 its decision to amend or terminate a permanent certificated  
18 employee's contract based solely upon the evidence produced at the  
19 hearing, shall reduce its findings and determination to writing,  
20 and shall deliver a written copy of the findings and determination  
21 to the permanent certificated employee.

22 Sec. 17. Section 79-1324, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 79-1324. The Commissioner of Education shall appoint a  
25 director of instructional telecommunications subject to  
26 confirmation by a majority vote of the members of the State Board  
27 of Education. The appointment shall be made on the basis of  
28 recognized and demonstrated interest in and knowledge of

1 instructional telecommunications. The director of instructional  
2 telecommunications shall have a minimum of three years of  
3 successful elementary or secondary school experience and shall hold  
4 a Nebraska Administrative and Supervisory Certificate.

5 Sec. 18. Section 79-1605, Revised Statutes Supplement,  
6 2002, is amended to read:

7 79-1605. The superintendent of the high school district  
8 and its affiliated territory in which any private, denominational,  
9 or parochial school is located, which school is not otherwise  
10 inspected by an area or diocesan representative holding a Nebraska  
11 Administrative and Supervisory Certificate certificate to  
12 administer, shall inspect such schools and report to the proper  
13 officers any evidence of failure to observe any of the provisions  
14 of sections 79-1601 to 79-1607. The Commissioner of Education,  
15 when in his or her judgment it is deemed advisable, may appoint a  
16 public school official other than such superintendent, including a  
17 member of the State Department of Education, for such inspections.  
18 Such appointee shall hold a Nebraska Administrative and Supervisory  
19 Certificate certificate to administer. The State Board of  
20 Education shall require the superintendents and appointed public  
21 school officials to make such inspections at least twice a year,  
22 and the school officers of such schools and the teachers giving  
23 instruction in such schools shall permit such inspection and assist  
24 and cooperate in the making of the same.

25 Sec. 19. Original sections 79-717, 79-801, 79-806,  
26 79-807, 79-811, 79-827, 79-829, 79-871, 79-1239, and 79-1324,  
27 Reissue Revised Statutes of Nebraska, and sections 23-3302, 79-808,  
28 79-809, 79-810, 79-812, 79-814, 79-816, and 79-1605, Revised

1 Statutes Supplement, 2002, are repealed.

2           Sec. 20.   The following sections are outright repealed:

3 Sections 79-893 to 79-895 and 79-8,111 to 79-8,117, Reissue Revised

4 Statutes of Nebraska.